

Raymond J. Dowd (RD7508)  
Luke McGrath (LM8070)  
Dunnington, Bartholow & Miller, LLP  
1359 Broadway, Suite 600  
New York, New York 10018  
Phone: (212) 682-8811  
Fax: (212) 661-7769  
lmcgrath@dunnington.com  
*Attorneys for Real Party in Interest Stan Lee Media Inc.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**STAN LEE,**

*Plaintiff,*

**- against -**

**MARVEL ENTERPRISES, INC. and MARVEL  
CHARACTERS, INC.,**

*Defendants.*

**02 CV 8945 (RWS)  
ECF Case**

**NOTICE OF MOTION TO  
VACATE JUDGMENT, TO  
SUBSTITUTE AS REAL PARTY  
IN INTEREST AND TO FILE  
COMPLAINT**

**PLEASE TAKE NOTICE** that upon the annexed the Affirmation of Luke McGrath dated July 14, 2010, the Declaration of Jose M. Abadin dated July 13, 2010, the Affirmation of Raymond J. Dowd dated July 26, 2010, the accompanying Memorandum of Law and upon all the pleadings and proceedings heretofore had herein, the undersigned counsel for real party in interest Stan Lee Media, Inc. will move this Court before the Honorable Robert W. Sweet, in Room 18C at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on the 6<sup>th</sup> day of October, 2010, at 12:00 p.m., or as soon thereafter as counsel can be heard, for an Order (a) vacating the

judgment and prior orders in this action pursuant to Rule 60 of the Federal Rules of Civil Procedure; (b) substituting Stan Lee Media, Inc. as plaintiff real party in interest as of the original filing date of this action pursuant to Rules 15, 17 and 19 of the Federal Rules of Civil Procedure and Section 501(b) of the Copyright Act 17 U.S.C. § 101 *et seq.*; (c) directing the Clerk to file the Proposed Complaint submitted herewith and (d) granting such other and further relief as is just.

Dated: New York, New York  
July 26, 2010

**DUNNINGTON, BARTHOLOW &  
MILLER LLP**

By:   
Raymond J. Dowd (RD-7508)  
Luke McGrath (LM8070)  
***Attorneys for Real Party in Interest  
Stan Lee Media, Inc.***  
1359 Broadway, Suite 600  
New York, New York 10018  
Tel: (212) 682-8811  
[rdowd@dunnington.com](mailto:rdowd@dunnington.com)  
[lmcgrath@dunnington.com](mailto:lmcgrath@dunnington.com)